

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

RICHARD E. KAPLAN,

*Plaintiff,*

V.

Civil Action No. 04-10402-NMG

FIRST HARTFORD CORPORATION,

*Defendant.*

RICHARD E. KAPLAN,

*Plaintiff,*

V.

Civil Action No. 05-10320-NMG

FIRST HARTFORD CORPORATION,

*Defendant.*

**DEFENDANT FIRST HARTFORD CORPORATION'S MOTION TO COMPEL**

Pursuant to Federal Rules of Civil Procedure 26 and 33 and Local Rules 26.5 and 37.1, defendant First Hartford Corporation (“FHC”) hereby moves to compel plaintiff Richard E. Kaplan (“Kaplan”) to provide further responses to FHC’s First Set of Interrogatories (the “Interrogatories”). In support of its motion, FHC submits the accompanying Memorandum of Law.

WHEREFORE, FHC respectfully requests that this Court issue an order (a) granting its motion to compel and requiring Kaplan to supplement his responses to the Interrogatories by stating with specificity, in compliance with Local Rule 26.5, all documents, communications,

acts or omission, and other facts that form the bases for the allegations at issue, (b) requiring Kaplan and/or his counsel to pay the attorneys' fees and costs incurred by FHC in bringing this motion, and (c) granting FHC such other and further relief as the Court deems just and proper.

Respectfully submitted,

FIRST HARTFORD CORPORATION

By its attorneys,

/s/ Jillian B. Hirsch  
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-and-

John B. Nolan (admitted *pro hac vice*)  
DAY, BERRY & HOWARD LLP  
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Hartford, CT 06103  
(860) 275-0100

Dated: November 7, 2005

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 37.1**

In connection with FHC's motion to compel, I, Jillian B. Hirsch, hereby attest that FHC has complied with the provisions of Local Rule 37.1(B). Pursuant to Federal Rule of Civil Procedure 37(a)(2)(B) and Local Rule 7.1(A)(2), as detailed in Section II.B of the accompanying Memorandum of Law, counsel for FHC made several attempts to narrow the areas of disagreement and initiate a Rule 37.1 conference. Kaplan's counsel, however, refused to participate in such a conference. As a result, FHC was compelled to seek the Court's intervention.

/s/ Jillian B. Hirsch  
Jillian B. Hirsch

**CERTIFICATE OF SERVICE**

I, Jillian B. Hirsch, hereby certify that on this 7th day of November I served a true and correct copy of the foregoing *Defendant First Hartford Corporation's Motion to Compel* by e-mail and first class mail on Larry C. Kenna, Choate, Hall & Stewart, Two International Place, Boston, Massachusetts, 02110.

/s/ Jillian B. Hirsch

Jillian B. Hirsch